

August 2, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0338

Ronald and Nancy Miller

Matoaca Magisterial District
21013 Skinquarter Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- C. Approval of this request will set a precedent for future Variances to build homes along this private access easement.

GENERAL INFORMATION

Location:

This request lies on one (1) acre and is known as 21013 Skinquarter Road. Tax ID 686-670-Part of 4418. Access will be across Tax IDs 686-670-Part of 5986, 687-670-Part of 3143 and Part of 4184.

Existing Zoning:

A

Size:

1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and vacant
South - A; Residential and vacant
East - A; Residential and vacant
West - A; Residential and vacant

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Rural Conservation use

DISCUSSION

The applicants request a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over an existing fifty (50) foot private easement from Point A to Point B, as shown on the attached map.

The applicants provide the following justification in support of this request:

We would like to build a single family dwelling; we will use an existing easement for ingress and egress. Without the Variance, the property can't be built on. We are not connecting to public utilities and our children do not attend public schools; they attend a private school.

The subject property consists of one (1) acre which is being subdivided from an approximately 12.9 acre parent parcel. The parent parcel is owned by the applicants which they purchased on July 2, 1992. It is located off the south line of Skinquarter Road. The applicants have indicated the one (1) acre parcel is being sold or given to a member of the property owners' immediate family (daughter). The parent parcel was created November 5, 1976. The applicants plan to construct a single family dwelling on the subject property. In order to develop this property for residential purposes it would

need to meet all standards set forth in the Subdivision and Zoning Ordinances relative to the zoning district. The Subdivision Ordinance states “a family subdivision shall be defined as a single division of land to create a lot or a parcel for the purpose of a sale or gift to a member of the immediate family of the property owner including a partition of property owned by immediate family members. Only one (1) such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. For the purpose of this subsection, a member of the immediate family shall be defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner. Family subdivisions shall comply with all applicable requirements of the zoning ordinance and the standards set forth in this chapter (Section 17-2).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner’s immediate family, or complies with the plat validation process. In this case, the property is being subdivided and sold or given to a member of the property owners’ immediate family (daughter) and must comply with the family parcel subdivision.

Staff visited the subject property and observed an existing eighteen (18) to twenty (20) foot private dirt/gravel driveway that the applicants will use to ingress and egress the property. The existing driveway is in good condition and meets the spirit and intent of Condition 2 (b) and (c). There are six (6) single family dwellings currently using this private dirt/gravel driveway.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

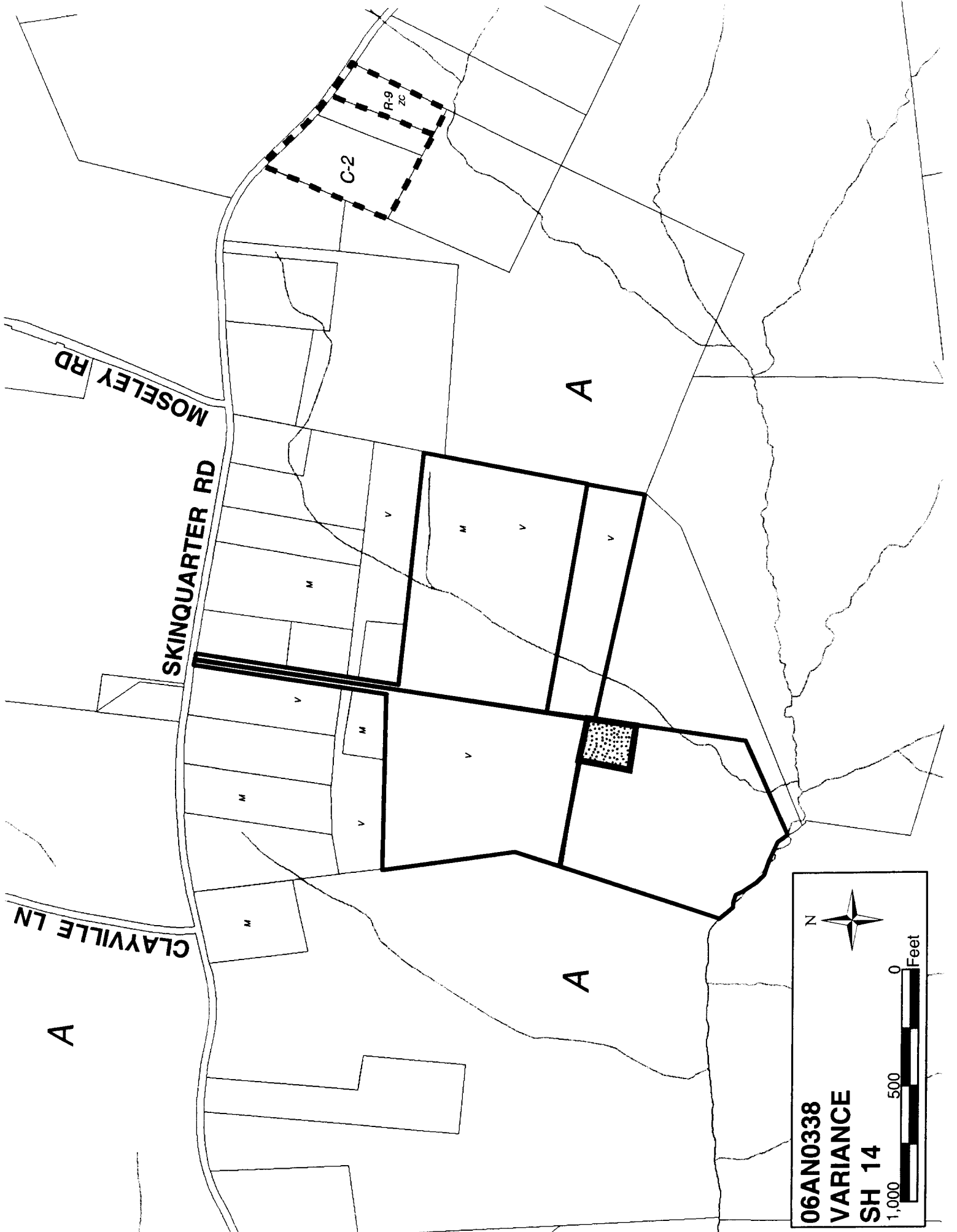
CONDITIONS

1. When the applicants apply for a building permit, the applicants shall provide a copy of a recorded instrument which will include:

A fifty (50) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
 - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to

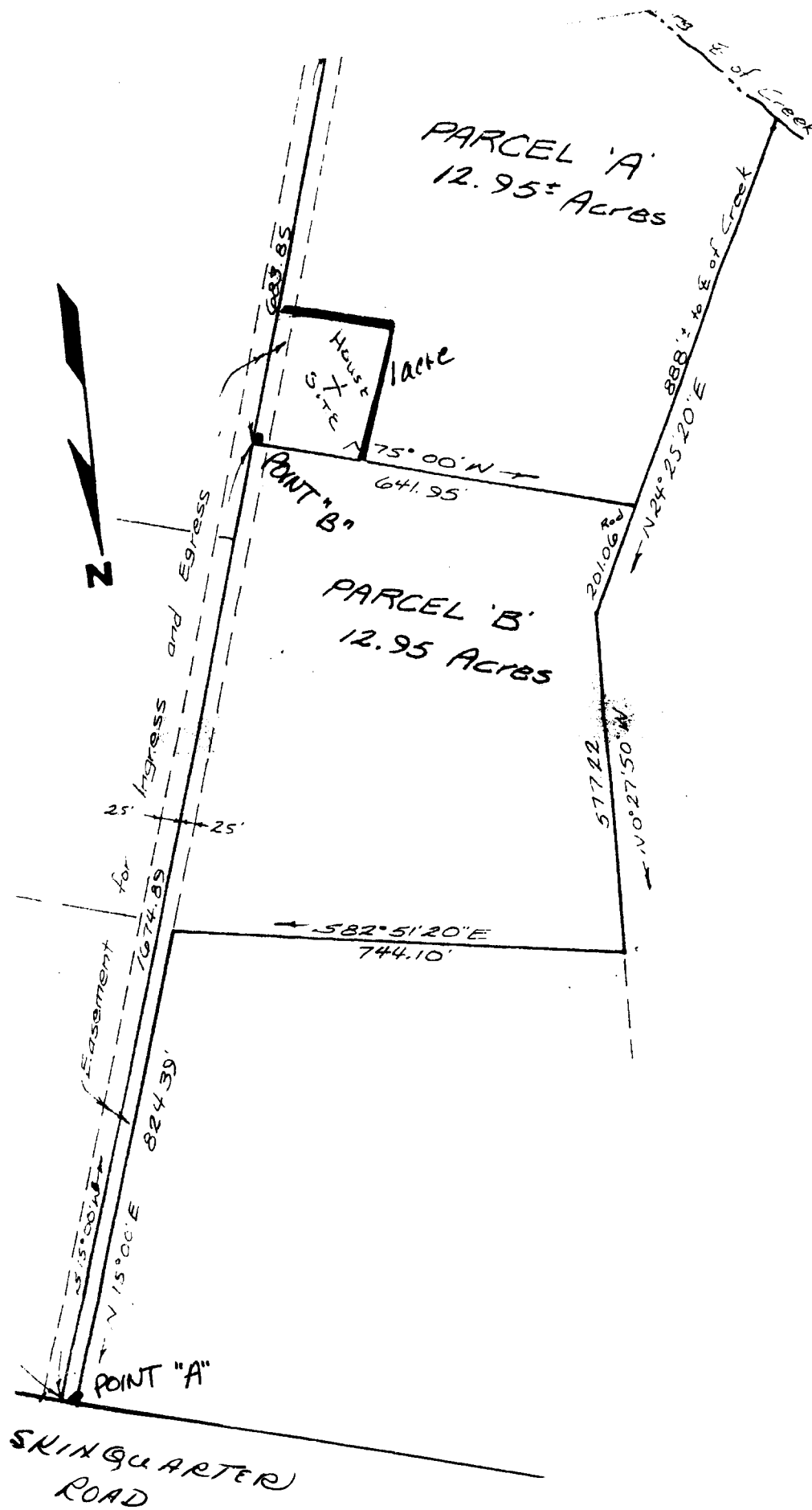
the property. The house numbers shall be displayed in at least four (4) inch high numbers.

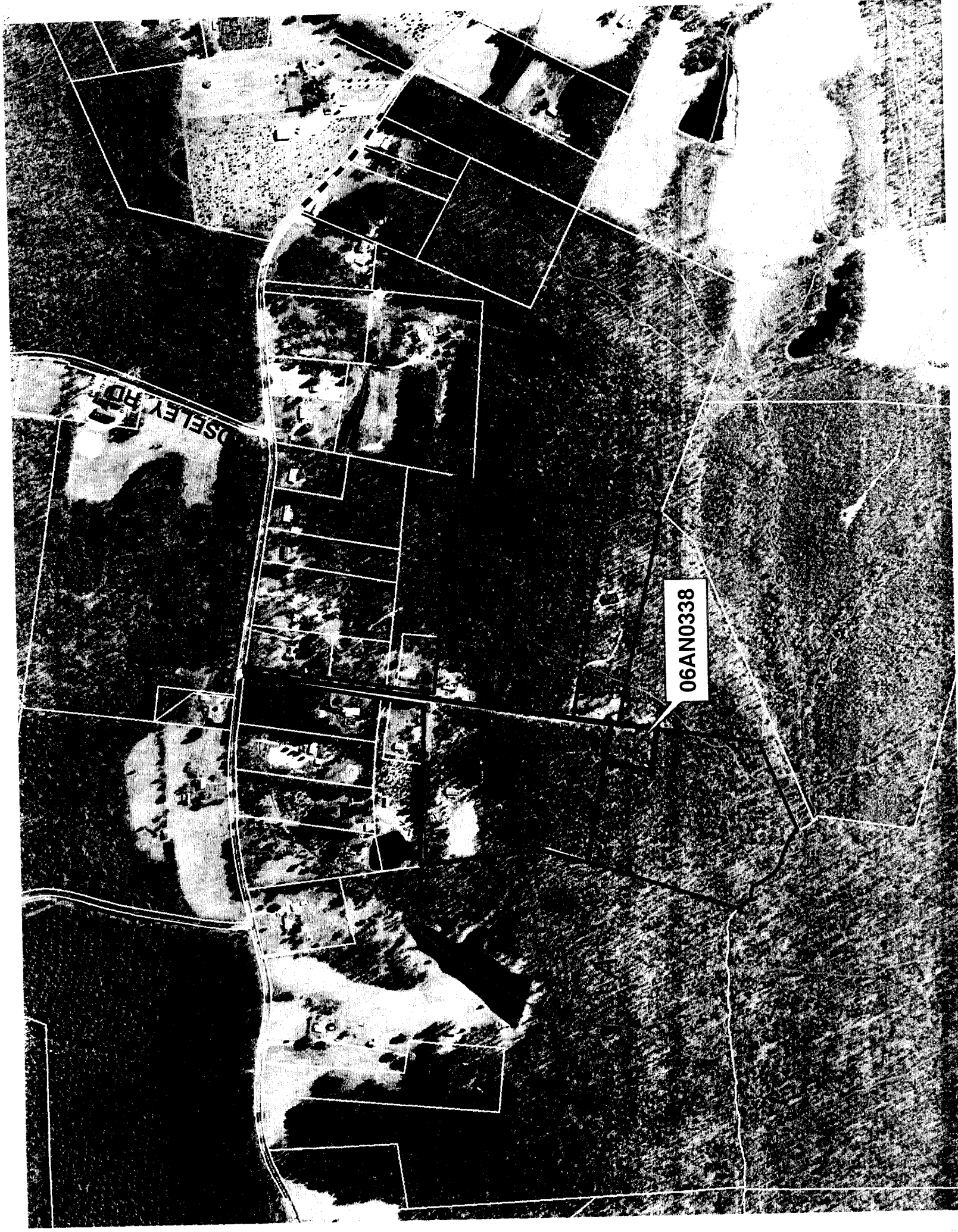
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



06AN0338
VARIANCE
SH 14







06AN0338